



TECHNICAL REGULATION ANNOUNCEMENT

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| Title | Explanations of the Federal Customs Agency and Accreditation agency on the procedure for performing customs operations related to the import into the Russian Federation of goods as samples and samples for the purpose of conducting research and testing products |
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| Contact | info@rus-cert.com |

Explanations of the Federal Customs Agency of Russia and Russian Accreditation agency on the procedure for performing customs operations related to the import into the Russian Federation of goods as samples and samples (hereinafter referred to as controlled goods) for the purposes of research and product testing (hereinafter — Clarifications) have been developed in accordance with the law of the Eurasian Economic Union (hereinafter — the EAEC), the legislation of the Russian Federation and are aimed at informing participants of foreign economic activities, accredited certification bodies, testing laboratories and interested persons (hereinafter — business entities) in order to comply with the established subjects of the established order and rules for the importation of controlled goods into the Russian Federation, as well as to reduce time and minimize costs when performing customs operations with respect to products subject to mandatory conformity assessment.

In order to prevent risks associated with causing damage to life and health, property, the environment, flora and fauna, preventing actions that mislead consumers, the Federal Customs Agency of Russia, together with Russian Accreditation agency, conducted an analysis of the law enforcement practice of performing customs operations with respect to controlled goods and results of measures of state control over the activities of accredited individuals.

The analysis showed that the economic agents do not properly provide the procedure for importing controlled goods to the Russian Federation for research and testing of products or the importation of such goods is not carried out in principle.

This leads to the fact that in the issued certificates of compliance and declarations of compliance (hereinafter — permits); false information about documents (test reports) is indicated, on the basis of which permits are issued (accepted).

The controlled goods imported to the Russian Federation are intended for research and testing of products that will subsequently be released into circulation on the territory of the Russian Federation during commercial activities and accompanied by permits obtained based on test reports of imported controlled goods.

Such goods are subject to mandatory customs declaration (Article 104 of the Customs Code of the EAEC).

Point 4 of the Regulation on the procedure for the importation into the customs territory of the Customs Union of products (goods) in respect of which mandatory requirements are established within the framework of the Customs Union approved by the Decision of the Board of the Eurasian Economic Commission No. 294 of December 25, 2012 (hereinafter — Regulations on the procedure for importation) that when placing controlled products under the customs procedure for issuance for domestic consumption, submission to the customs authorities of permits is not required

At the same time, a copy of the contract with the certification body and a letter from the testing laboratory (center) are submitted to the customs body, indicating the quantity (weight and volume) of the controlled goods necessary for research and testing.

Also we inform that the declaration for the controlled goods is filled with the following features:

- in column 31 "Cargo spaces and description of goods", "samples and samples for conformity assessment (research and tests)" are indicated;
- in column 37 "Procedure" the code of features of movement "061" — goods transported as samples and samples for research and testing, in accordance with the Classifier of the peculiarities of the movement of goods (Annex No. 2 to the Decision of the Commission of the Customs Union No. 378 of 20.09.2010);
- in column 44 under the code of the type of document "01999" the requisites of the documents mentioned above (point 4 of the Regulations on the procedure for importation) are indicated.

When importing a batch of products into the Russian Federation, sampling and samples for research and testing should be carried out by interested persons with the permission of the customs authority (Article 17 of the Customs Code of the EAEC) if such controlled goods were not imported earlier.

At the same time, we inform that the certification body, when forming the case of a certificate of conformity for serial products, ensures the storage and accounting of the following documents (copies of documents):

- sent to the customs office a copy of the contract with the certification body and the letters from the testing laboratory (center) confirming the need to import samples and samples of products;
- a copy of the declaration for the goods or other document accepted by the customs authorities as a customs declaration in accordance with the Customs Code of the EAEC;
- shipping documents.

When forming the case of a certificate of conformity for a batch of products, the certification body shall ensure the storage and accounting of the following documents (copies of documents):

- a copy of the declaration for the goods or other document accepted by the customs authorities as a customs declaration in accordance with the Customs Code of the EAEC (in the event that the import into the Russian Federation of controlled goods was carried out separately from the batch of products);
- sent to the customs office a copy of the contract with the certification body and the letters from the testing laboratory (center) confirming the need to import samples and samples of products;
- foreign trade contract (contract);
- shipping documents;
- the act of sampling and samples (in the event that the selection of controlled goods is carried out from the imported batch of products);
- the permission of the customs authority to take samples and samples (in the case if the selection of controlled goods).

In the case of research and testing of samples and samples of products for the purpose of acceptance (registration) of a declaration of conformity, test laboratories shall ensure the storage and recording of the following documents (copies of documents):

- a copy of the declaration for the goods or other document accepted by the customs authorities as a customs declaration in accordance with the Customs Code of the EAEC (in the event that the import into the Russian Federation of controlled goods was carried out separately from the batch of products);
- sent to the customs body of a copy of the contract with the certification body and the letters of the testing laboratory (center), confirming the need to import samples and samples of products;
- foreign trade contract (contract);
- shipping documents;
- the act of sampling and samples (in the event that the selection of controlled goods is carried out from the imported batch of products);
- the permission of the customs authority to take samples and samples (in the case if the selection of controlled goods).

The presence of these documents in the affairs of the certification body and test laboratory in accordance with the paragraph sixteenth of Article 2 of Federal Law No. 184—FZ dated 27.12.2002 "On Technical Regulation" indicates compliance with the procedure for assessing the conformity of products to mandatory requirements and may be subject to verification in the implementation of federal state control, including systematic monitoring of the implementation of mandatory requirements, analysis and forecasting of the state of compliance with mandatory requirements when carrying out activities by accredited persons.

If there are no such documents in the certification body and testing laboratory, the relevant information will be transmitted to Federal Customs Agency of Russia to consider the issue of taking measures on the facts of non—compliance with the procedure for the import of goods into the Russian Federation.

At present, the Federal Customs Agency and the Federal Accreditation Agency carry out joint work aimed at automating the reconciliation of information regarding the establishment of the facts of importation into the Russian Federation by participants in foreign economic activities of samples and products for conducting procedures for assessing its compliance with mandatory requirements.

The results of such reconciliation will be used for the following monitoring activities:

- from the Federal Customs Agency of Russia — to prevent attempts to import products to the Russian Federation, accompanied by permits issued in violation of the established procedure, by unscrupulous participants in foreign economic activity;
- from the side of Federal Accreditation Agency — for conducting verification activities with respect to accredited certification bodies, testing laboratories (centers);
- from the side of the authorized state bodies for ensuring state control (supervision) over observance of the requirements of the technical regulations of the EAEC (Customs Union) (Rospotrebnadzor, Rosselkhoz nadzor, Rosstandart and others) — to conduct verification activities with respect to products in circulation on the territory of the Russian Federation.

Work in this area is a priority task for the Federal Customs Agency of Russia and Federal Accreditation Agency in 2018 and is aimed primarily at improving the safety of goods imported into the Russian Federation.

The explanations are advisory and informative.

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